

Appendix A – Provincial EMCPA

Summary:

Declaration of Emergency under the Emergency Management and Civil Protections Act.

On February 11, 2022, the Premier of Ontario declared a province wide emergency as a result of interference with transportation infrastructure and other critical infrastructure that is occurring across the province, which is preventing the movement of people and the delivery of essential goods and services.

An Emergency Order in connection with the declared emergency came into effect 12 Feb 2022.

Highlights of the Ontario Regulation. (Please refer to the All Chiefs Memo 22-0017 and Ontario Regulation 71/22 for all the details)

The emergency order prohibits the interference with critical infrastructure which is defined as:

- 400-series highways;
- airports;
- canals;
- hospitals;
- infrastructure for the supply of utilities such as water, gas, sanitation, and telecommunications;
- international and interprovincial bridges and crossings;
- locations where COVID-19 vaccinations are administered;
- ports;
- power generation and transmission facilities
- railways

Under this emergency order, **no person shall:**

- prevent someone from travelling to or from critical infrastructure;
- prevent the ordinary use of critical infrastructure;
- cause either of the above to occur, whether directly or indirectly;
- assist an individual to knowingly help them do anything above, including providing supplies, fuel, or other materials; or
- prevent someone from travelling to or from walkways, bridges, and highways (other than 400-series highways, which are already captured as “critical infrastructure”), or prevent the ordinary use of them, if doing so would:
 - prevent the delivery of essential goods or services,
 - severely disrupt ordinary economic activity, or

- seriously interfere with the safety, health, or well-being of members of the public

Enforcement of Order

The order gives police officers and other provincial offences officers the power to do the following when they have reasonable grounds to believe that an individual is not complying with the requirements listed above:

- order the individual to stop contravening the emergency order;
- if there is more than one individual, order the individuals to disperse;
- order the individual to remove any object the individual used to contravene the order (e.g., a motor vehicle), whether the object was put there before or after this emergency order came into effect; or
- remove the object if the individual refuses to remove the object

The order requires a person to comply with any of the above orders issued by provincial offences officers. The order also gives the MTO and provincial offences officers the power to order owners or operators of vehicles contravening the order to remove their vehicles, requires the owners and operators to comply, and permits the removal of the vehicles if they don't comply.

Penalties

For offences under the EMCPA, individuals can either be issued a ticket for a set fine amount or be served with a summons under Part I of the Provincial Offences Act (POA), or have an information laid under Part III of the POA, in which case the court would impose a penalty upon conviction – subject to the maximum penalty of a fine of not more than \$100,000 and not more than one (1) year imprisonment.

- Fail to comply with an order: \$750
- Obstruct any person exercising a power in accordance with an order: \$1,000
- Obstruct any person performing a duty in accordance with an order: \$1,000.

The **Emergency Order does not create an arrest authority.**

Officers must consider the totality of the circumstances to determine if a Criminal Code authority exists, for example Criminal Code Section 430(1) Mischief or Obstruct Police Section 129. Section 33 (3) HTA, Failure to Identify - also sets out arrest authorities.

RMS has been updated to reflect new charges and the eTicketing application is now available for Part I enforcement of this regulation.

Note: when issuing a Provincial Offence Notice, ensure that the CVOR # is added if applicable.

Schedule 4.0.1 <i>Emergency Management and Civil Protection Act</i>				
Item	Offence	Section	Set Fine	Total Payable
1.	Individual — fail to comply with an order made during a declared emergency	7.0.11 (1)	\$750.00	\$880.00
2.	Corporation — fail to comply with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00
3.	Obstruct any person exercising a power in accordance with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00
4.	Obstruct any person performing a duty in accordance with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00

Suspension and/or Cancellations of Licenses, Plates and Commercial Registration

Effective February 12, 2022, the following permissions may be suspended or cancelled by the MTO in accordance with the emergency order:

- Commercial Vehicle Operator's Registration (CVOR) certificates;
- Drivers Licences (DL) (whether Ontario licences or out of province licences); and
- Commercial and Passenger Vehicle plates.

The Regulation also provides new processes to suspend and/or cancel Licenses, Plates and Commercial Registrations by accessing and completing the Emergency Order Form. Submission of the Emergency Order Form triggers the MTO to suspend/investigate the licence, CVOR and driver.

The Drivers Licence(s) and plates shall be seized in accordance with S.6 (5) O. Reg. 71/22. **No entry is required in SIMS** when acting under the authority of this Regulation. Ontario driver's licences and non-commercial plates are to be returned to the Ministry. Reinstatements will be conducted through ServiceOntario offices, as per usual.

The attachment below includes the EMCPA:



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-infrastructure-and-hi

Appendix B - Federal Emergencies Act

Summary:

In order to manage a public order emergency, the federal government can issue or adopt temporary orders and regulations. Those include;

- Regulating and prohibiting public assemblies, including blockades, other than lawful advocacy, protest or dissent,
- Regulating the use of specified property, including goods to be used with respect to a blockade,
- Designating and securing places where blockades are to be prohibited (e.g. borders, approaches to borders, other critical infrastructure),
- Directing specified persons to render essential services to relieve impacts of blockades on Canada's economy, with compensation,
- Authorizing or directing specified financial institutions to render essential services to relieve the impact of blockades, including by regulating and prohibiting the use of property to fund or support the blockades,
- Measures with respect to the authorizing of the Royal Canadian Mounted Police to enforce municipal and provincial laws by means of incorporation by reference,
- The imposition of fines or imprisonment for contravening on any of the measures declared under this public order emergency.

The attachments include the full order.



2022-0106.pdf



2022-0107.pdf



2022-0108.pdf

Appendix C – City of Ottawa Injunction dated 14th February 2022

Unclassified



City of Ottawa
Injunction 14FEB22.pc

to deal effectively with the serious issues being faced. The Order and Regulations are attached as an appendix.

On the 14th February the City of Ottawa received an injunction issued by the Ontario Superior Court of Justice which outlines additional restrictions on occupiers in the City of Ottawa. This Order is attached as an appendix.

Mission

2.1 Mission

Using an integrated response, the Ottawa Police and policing partners will keep the peace, enforce legislation, and maintain public safety for the duration of the Ottawa Truck Demonstration, with the utmost respect to the individuals Charter of Rights and Freedoms with priority on community and emergency services personnel safety and wellbeing.

2.2 Mission Objectives

TBI

2.3 Commander's Intent

To return the City of Ottawa into the state of normalcy by all lawful means and in the safest way for all involved.

Execution

3.1 Concept of Operations

The response to the current situation has been a Police Liaison Team (PLT) lead, negotiation-based approach with the clear objective of significantly reducing the footprint of the demonstration currently taking place in Ottawa.

Strategic messaging was developed and delivered to support the goals established by the Unified Command.

The ideal outcome is the voluntary withdrawal of all protesters in the City of Ottawa.

With the invoking of the Federal Emergencies Act, provincial Emergency Measures and Civil Protections Act, and City of Ottawa injunction, media and PLT messaging has become more directive, notifying protestors that they must vacate the demonstration area or may face criminal prosecution.

While currently in the stabilization phase of this operation, the protestors have not shown compliance to the direct messaging. The next phase to be considered is the actions-on phase. If Unified Command decides to enter the actions-on phase, the new concept of operations will be outlined in the Public Order Plan.

This plan provides coordinated guidance to uniform police support to the actions-on phase.

REDACTED

3.3 Phases of Operations

Stabilization Phase

The deployment on the number of police resources to maintain safety in the areas of the city affected by the demonstration and allow PLT to carry out negotiations.

Actions-on Phase

A Public Order Unit-lead phase which is outlined in the Public Order plan.

Maintenance Phase

The maintenance of a reduced footprint following the departure of persons and vehicles involved in the demonstration. This will include a strategy to prevent the return of protestors to Wellington and the surrounding areas. External agencies can be strategically demobilized and return to their respective jurisdictions.

Demobilization

All external agencies have demobilized, and the City of Ottawa has returned to a state of normalcy.

3.5 Legislative Authorities

Legislative Authorities for this action include the Criminal Code of Canada, the Emergencies Act (invoked by the Federal Government on 11FEB22), the Emergency Measures and Civil Protection Act (signed into law by the Provincial Government on 12FEB22). In addition, there are two Superior Court Injunctions in effect that prohibit specific activities related to the occupation.

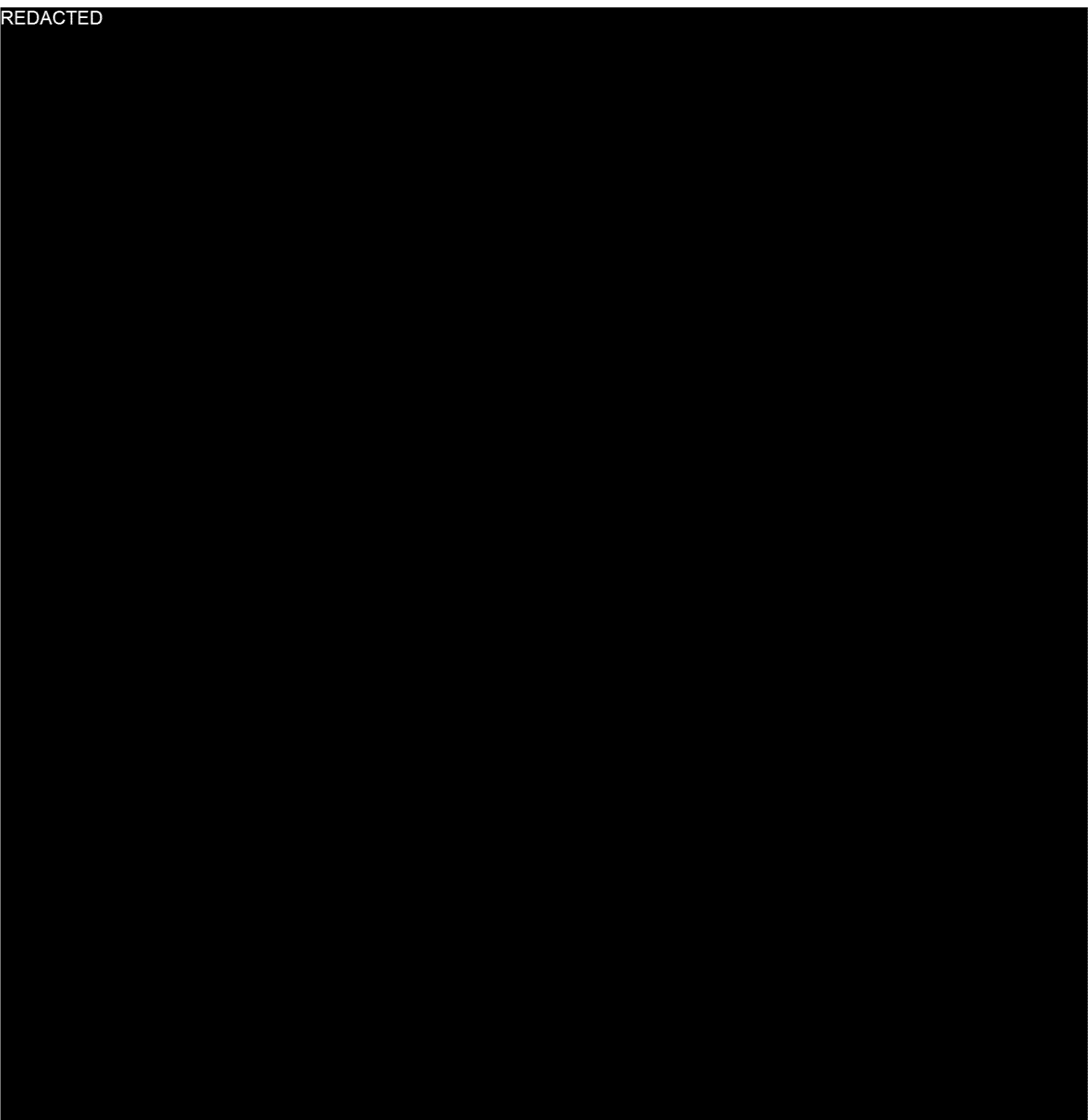
The various legislations are on file and officers will be made aware of their authorities.

3.6 Roles and Responsibilities

This event is of significant size and scope that it benefits from a Joint Command (Ottawa Police and Ontario Provincial Police) with supports from several other policing agencies (RCMP, Sûreté du Québec, Calgary Police Service, Durham Regional Police, Edmonton Police Service, Greater Sudbury Regional Police, Halifax Police Service, Halton Regional Police, Hamilton Police, Peel Regional Police, Saskatoon Police Service, St Thomas Police, Toronto Police, Vancouver Police Service, Waterloo Regional Police and York Regional Police.

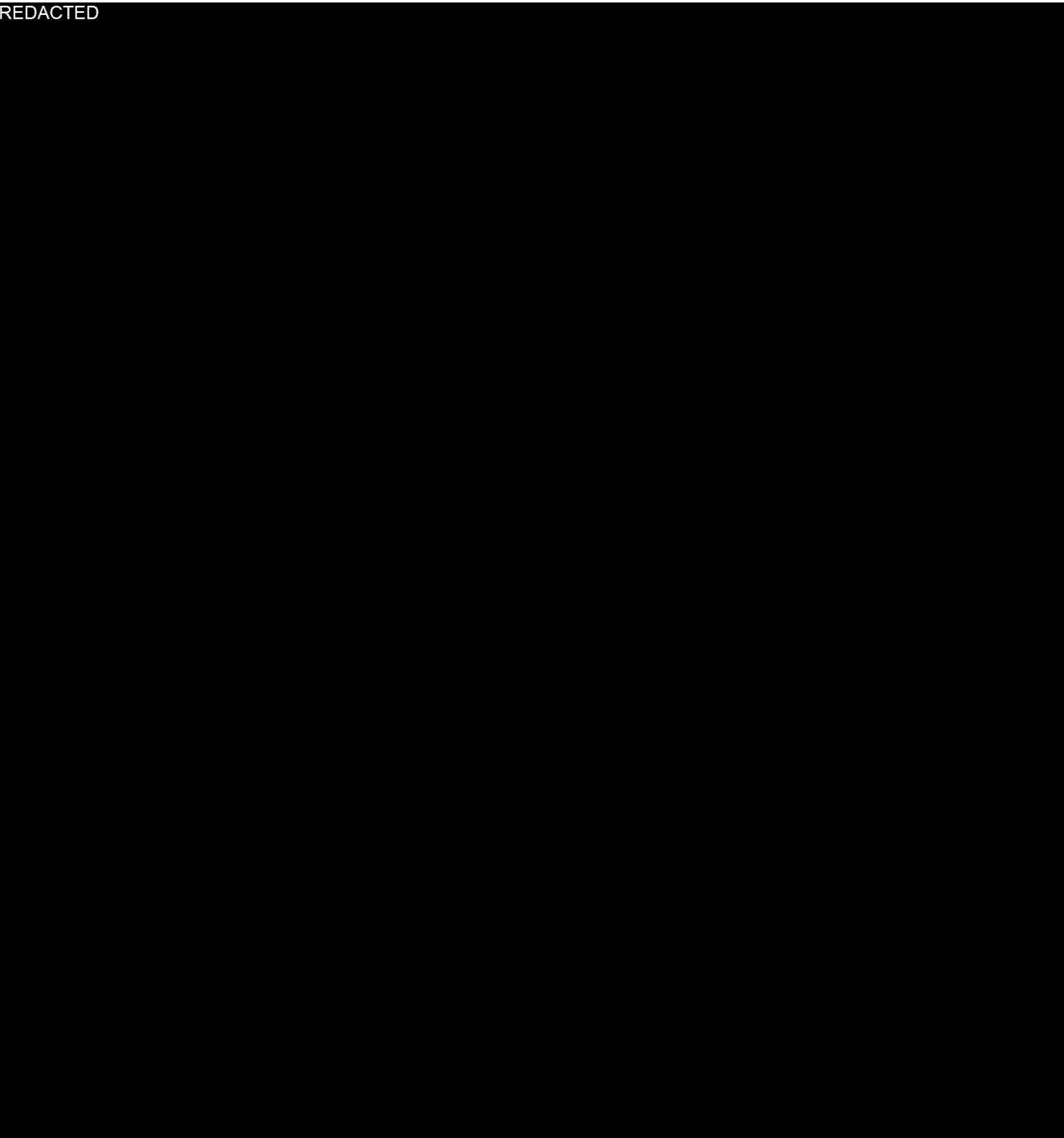
Regarding operations covered by this plan, there are several layers of responsibility that follow and organized structure. This subsection will provide a general overview of each role as indicated in the Organizations Chart (Figure 1).

Unclassified



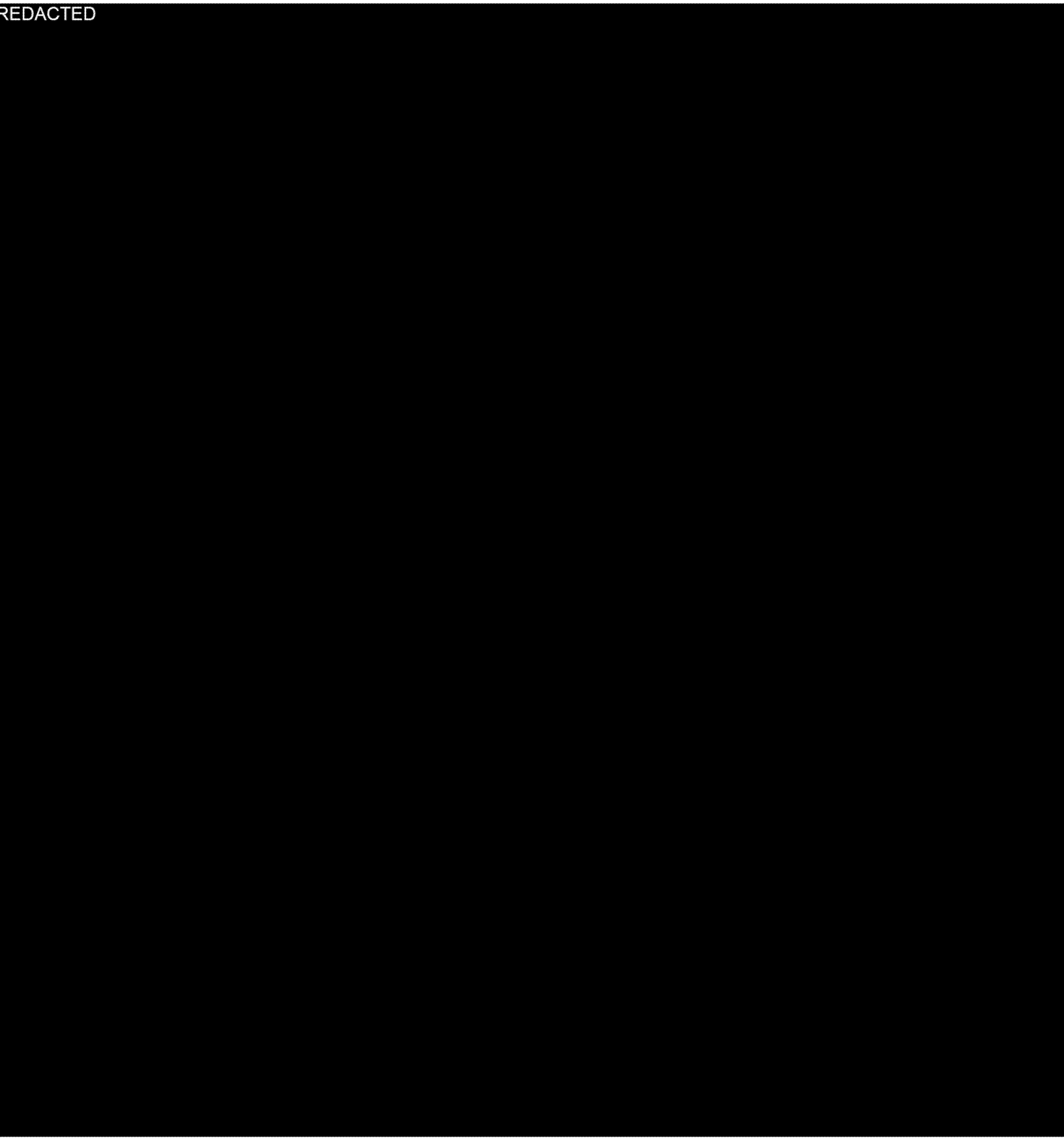
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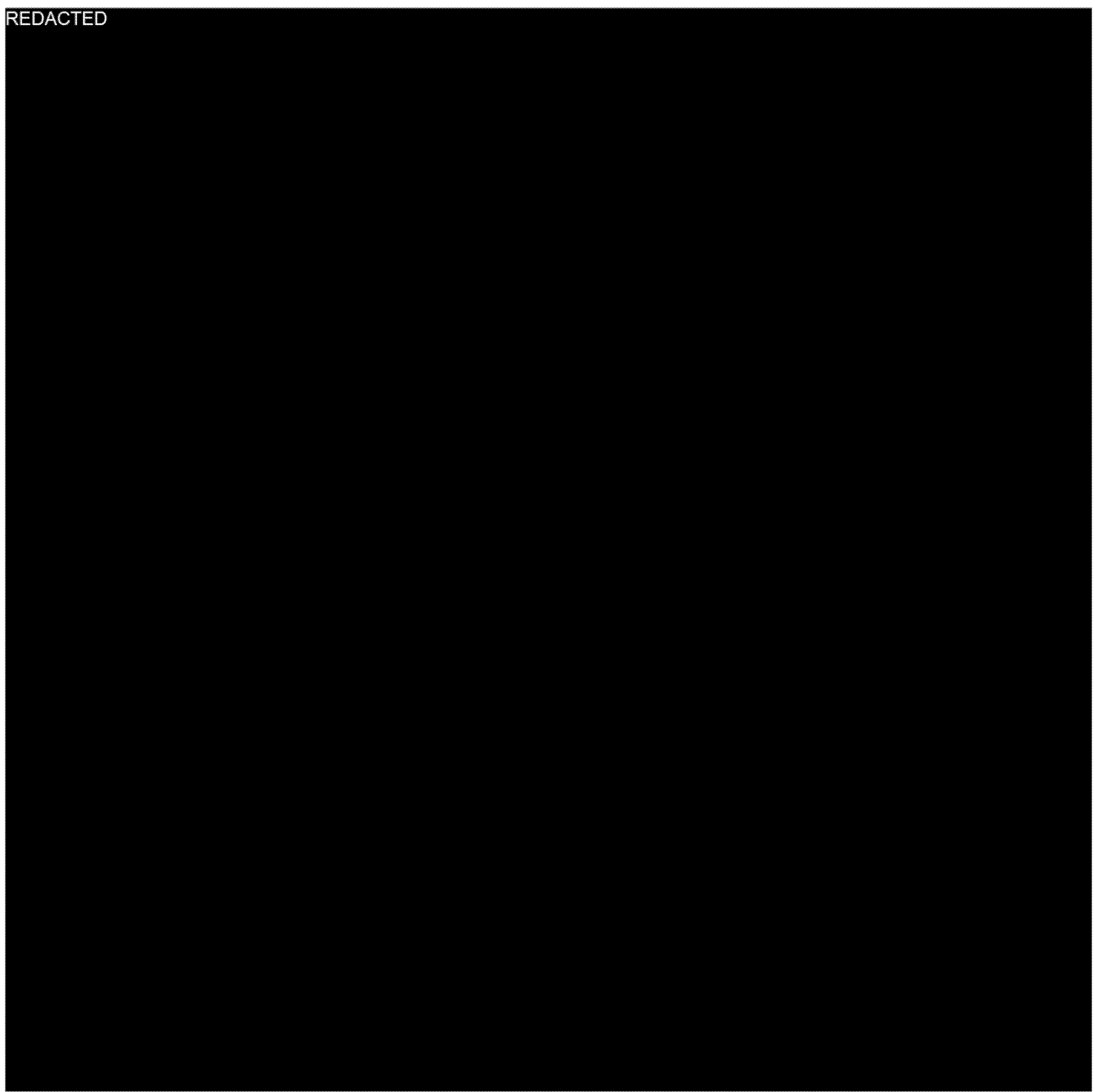
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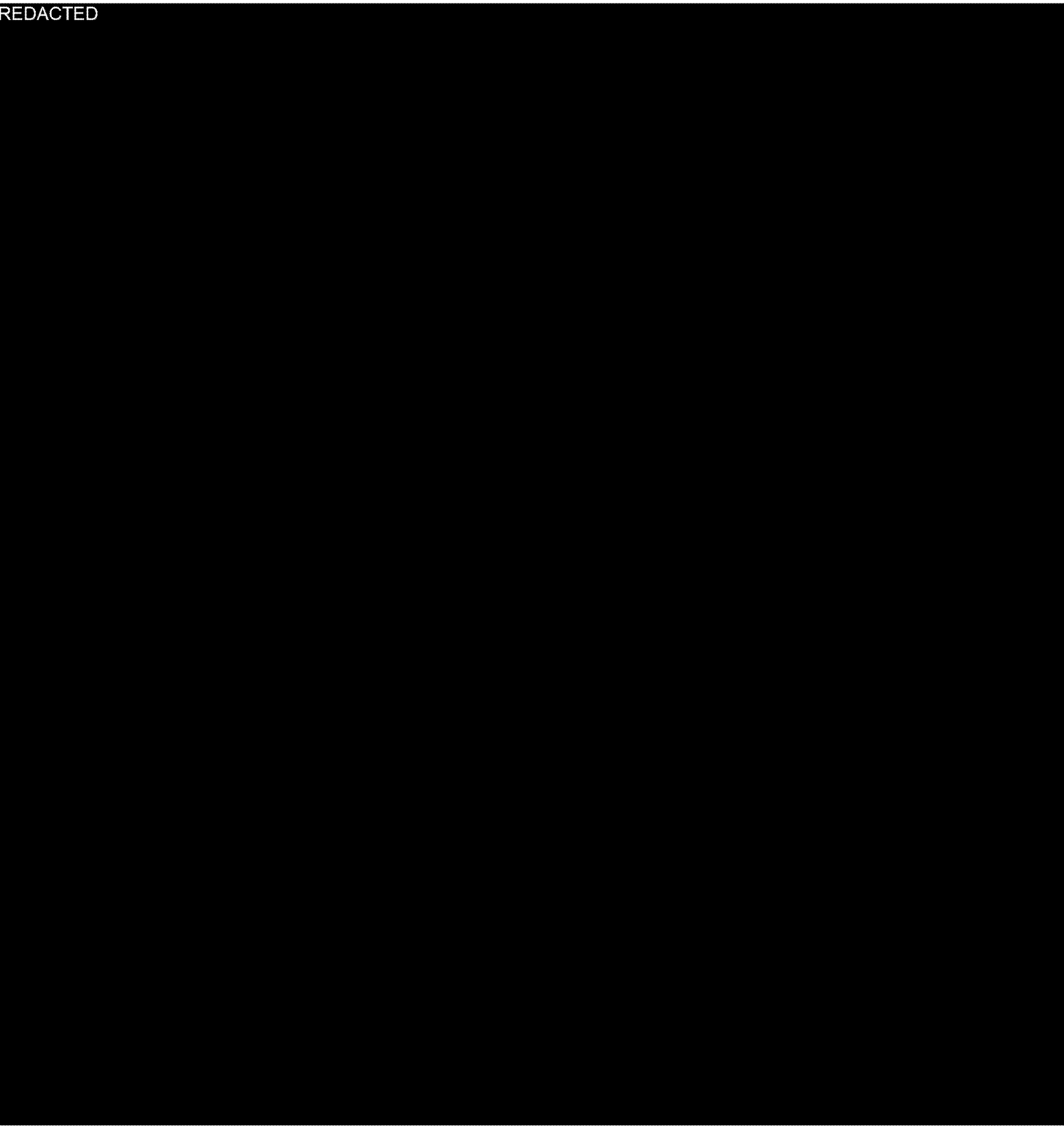


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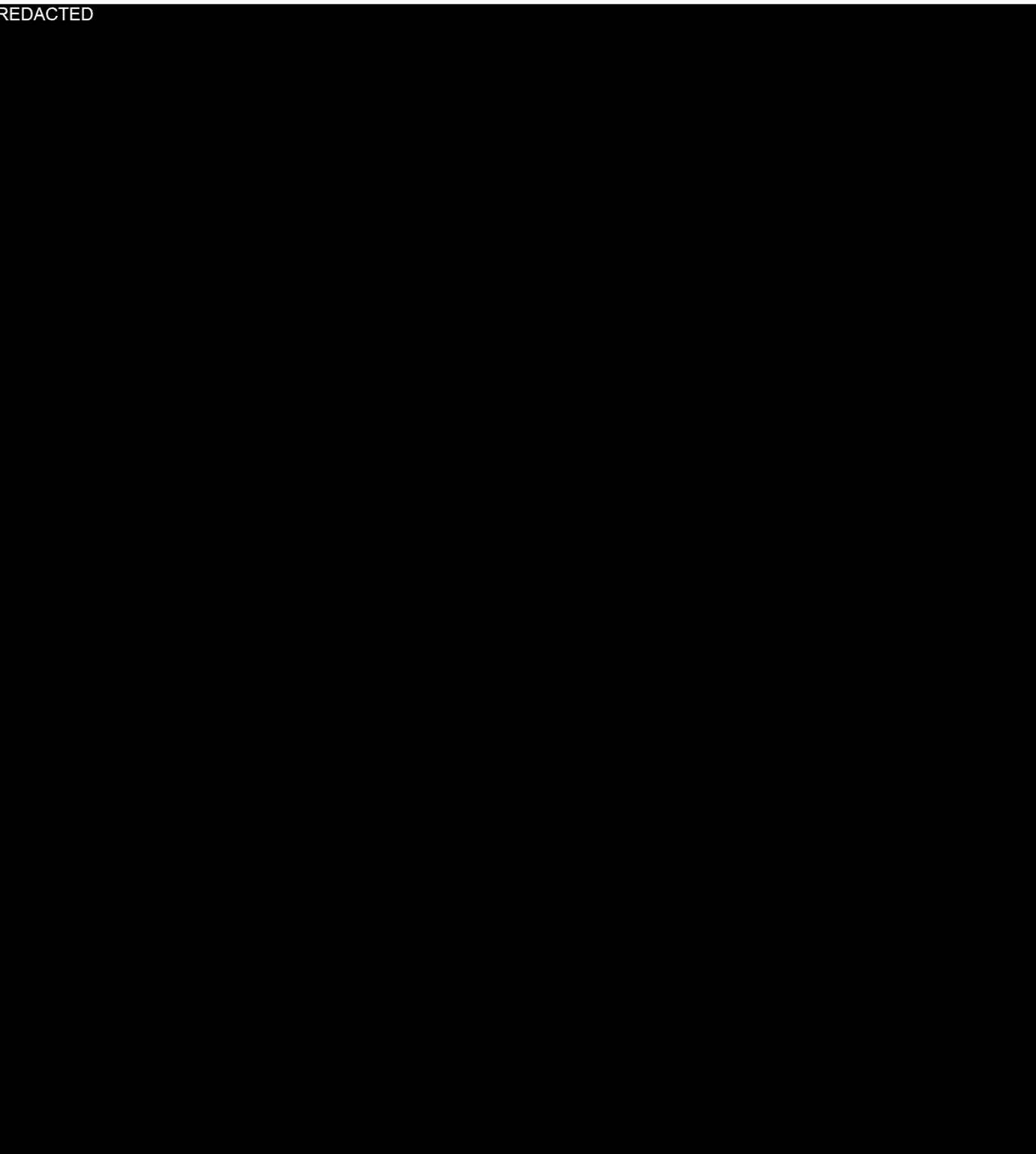
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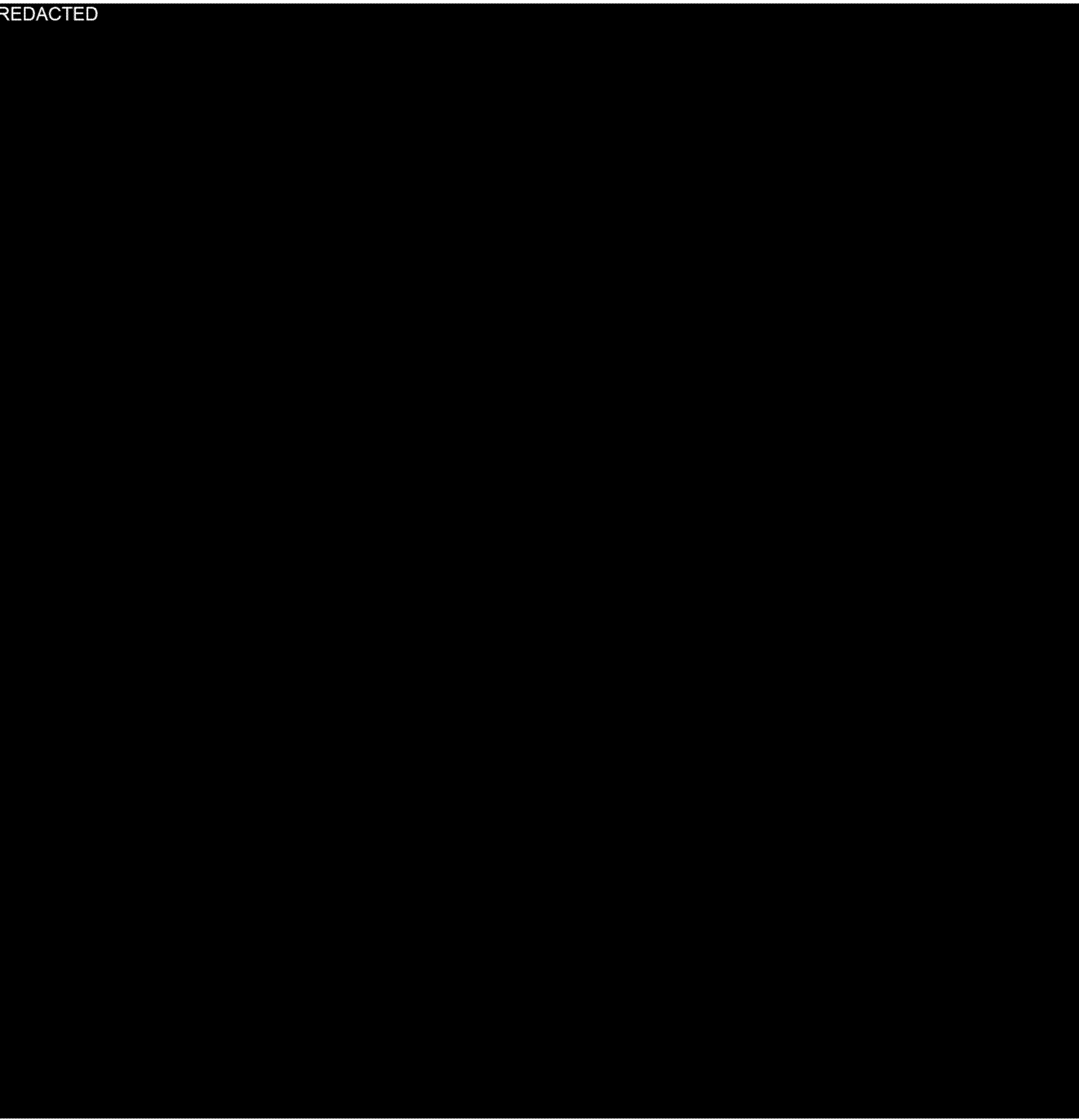
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3.8 Supports provided by City of Ottawa

Ottawa Paramedic Service

Paramedic representatives have been informed and consulted in the development of this plan. They have provided dedicated resources to support this operation for police and members of the public within the theater of operations. Paramedic representatives will be present in the NCRCC.

Ottawa Fire Services

Fire Services have been informed and consulted in the development of this plan. Fire representatives will be present in the NCRCC.

OC Transpo

Transit services will have a representative in the NCRCC. (TBC) OC transpo Special Constables may be deployed to LRT stations within the

Bylaw Services – Animal Control

There is possibility that animal are on scene and within the custody of demonstrators. Bylaw services animal control officers have been notified of the operation and may be available for animal control services.

Bylaw Services – Parking Control

Parking Control officers may be on scene to support with ticketing and towing of vehicles indirectly or not directly associated to the demonstrations that may need to be removed.

City Public Works- Roads Department

City Roads department may be contacted to remove unclaimed property, garbage and graffiti around the sites. This also may include roadway and sidewalk snow removal and salting, roadway barricading, traffic control device and jersey barrier removal or replacement.

City of Ottawa - Social Services

Social Services department may be contacted to support the operation by providing services such as food and hydration, short term sheltering, children needs, personal supplies to affected individuals.

Administration

4.1 Finance

All Financial matters will be administered by the OPS Finance section.

Project Code: 00000CONVOY

Cost Center Code: 124167

4.2 Briefings

General briefings will occur daily at (insert times).

Operation specific briefings will occur at [REDACTED] at EY Center. At the conclusion of the briefings members will be deployed to the site.

OC Transpo buses have been arranged to transport members to and from the area of operations.

4.2 Logistical Supports

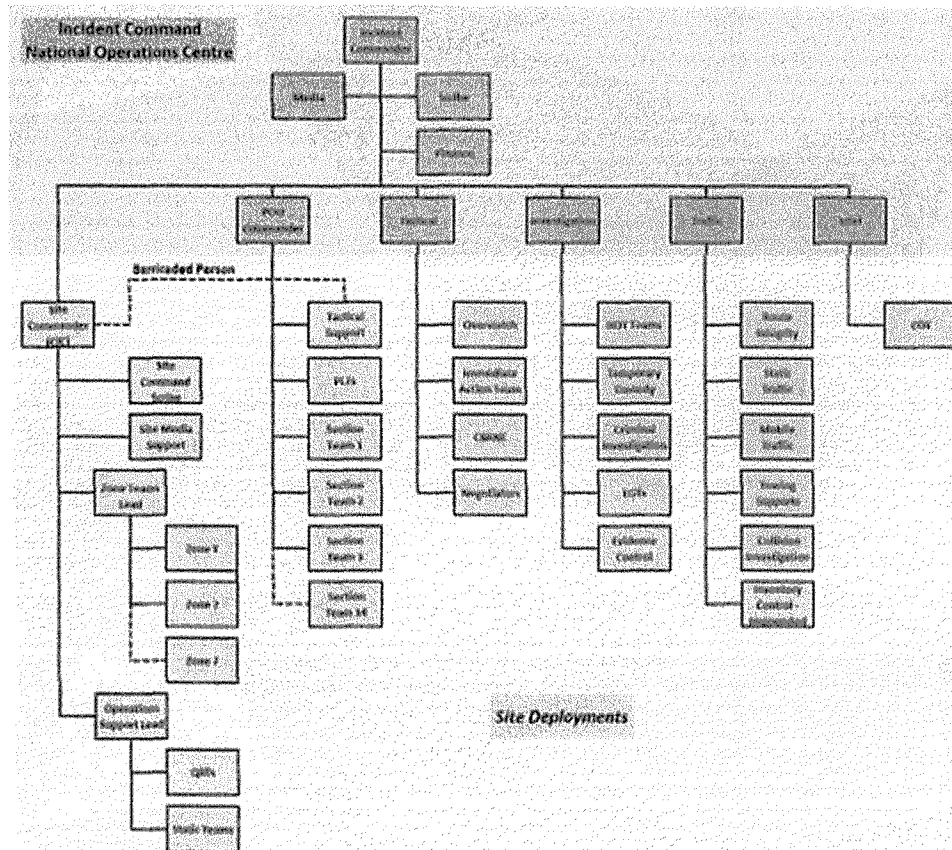
Logistical supports for all people on the ground is being support by the OPS Logistical Team.

Command, Control and Communications

5.1 Incident Command Structure

See Subsection 3.6 (Roles and Responsibilities – Unified Command Centre - UCCJ)

5.2 Organizational Reporting Structure



5.3 Communications

Regular OPS officers will be operating on REDACTED.

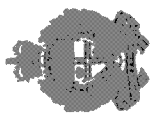
OPS Tactical will be operating using the REDACTED.

OPS Traffic will be operating using REDACTED.

OPP have 200+ OPS radios to REDACTED.

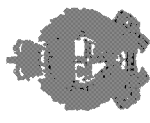
OPP under traffic positions are using the OPP radio system REDACTED.

POU teams outside the city are using radio communications REDACTED REDACTED.



Summary of Provincial and Federal Emergency Authorities

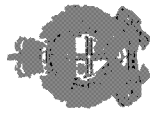
Provincial Regulations <i>Critical Infrastructure and Highways Regulation (O. Reg. 71/22) under the Emergencies Management and Civil Protection Act</i>	Federal Regulations <i>Emergency Measures Regulations under Emergencies Act</i>
Summary of the Order No one shall: • impede entrance, exit, or ordinary use of critical infrastructure • directly or indirectly impede entrance, exit, or ordinary use of critical infrastructure • Assist anyone engaged in these activities, including supplying fuel or other materials • impede entrance, exit, or ordinary use of any highway, walkway or bridge to: ○ prevent delivery of essential goods or services ○ severely disrupt economic activity ○ cause a serious interference with safety, health, or well-being of public	Summary of the Order No one shall: • participate in a public assembly ("breach-of-peace assembly") that may reasonably be expected to lead to a breach of the peace, such as: ○ the serious disruption of the movement of persons or goods ○ serious interference with trade ○ interference with the functioning of critical infrastructure ○ threats or acts of serious violence against persons or property • cause a minor (under 18) to participate in a breach-of-peace assembly • cause a minor to travel to or within 500 metres of an area where a breach-of-peace assembly is taking place • enter Canada as a foreign national with the intent to participate in or facilitate a breach-of-peace assembly • travel to or within an area where a breach-of-peace assembly is taking place
Individuals shall: • Comply promptly with a given order.	Individuals shall: • Render essential goods and services for the removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade as requested by: ○ the Minister of Public Safety and Emergency Preparedness ○ the Commissioner of the RCMP or a person acting on their behalf
Definitions Critical infrastructure includes: 400-series highways; airports; hospitals; infrastructure facilities for the supply of water, gas, sanitation and telecommunications; bridges; locations where COVID-19 vaccines are administered; ports; power generation and transmission facilities; railways.	Definitions Critical infrastructure includes: airports, heliports, harbours, ports, railway stations, railways, tramway lines, bus stations, bus depots, truck depots; infrastructure for the supply of utilities such as water, gas, sanitation and telecommunications; international and interprovincial bridges and crossings; power generation and transmission facilities; hospitals and locations where COVID-19 vaccines are administered; trade corridors and international border crossings, including ports of entry, ferry



Summary of Provincial and Federal Emergency Authorities

OTTAWA POLICE SERVICE
SERVICE DE POLICE D'OTTAWA
A Division of the Department of Justice
Un service de police de la justice

	terminals, customs offices, bonded warehouses, and sufferance warehouses.
Exemptions - The Order does not impact impediments that are trivial, transient, minor in nature or one that can be easily avoided. - The exemption applies to highways, but not critical infrastructure.	Exemptions The regulation does not pertain to: - individuals who reside, work or are moving through an assembly area for reasons other than to participate in or facilitate the assembly; - individuals who are acting with the permission of a peace officer or the Minister of Public Safety and Emergency Preparedness; - a peace officer; or - an employee or agent of the government of Canada or a province who is acting in the execution of their duties.
Enforcement Orders Police officers with reasonable grounds may: - order the individual to cease - order a group of individuals (more than one) to disperse - order removal of any object (including a vehicle) put in place at any time - remove the object if the individual does not comply. Following removal of a motor vehicle in contravention with the Order, officers will submit an Emergencies Order Form, after which the Registrar or Deputy Registrar of the Ministry of Transportation may cancel or suspend: - Commercial Vehicle Operator's Registration (CVOR) certificates; - Drivers Licences (DL) (whether Ontario licences or out of province licences); and - Commercial and Passenger Vehicle plates.	Enforcement Orders Police officers may: - Take the necessary measures to ensure compliance with these regulations. - Take the necessary measures to ensure compliance with any provincial or municipal laws. - Allow for the prosecution for failure to comply.
Object Removal - Objects (including vehicles) removed may be detained and stored for the duration of the Order. - Costs and charges associated with removal and storage become a debt due and/or a lien. - Any person reasonably qualified to assist in removal, detention or storage is authorized to perform such activities if requested by an officer.	



Summary of Provincial and Federal Emergency Authorities

Officers must make reasonable efforts to notify the owner of removal and storage.	
Penalties for failure to comply Officers can: • issue a ticket for a set fine amount ◦ Fail to comply (individual): \$750 ◦ Fail to comply (corporation): \$1,000 ◦ Obstruct any person exercising a power in accordance with the order: \$1,000 ◦ Obstruct any person performing a duty in accordance with the order: \$1,000 • serve a summons under Part I of the <i>Provincial Offences Act</i> (POA) • lay information under Part III of the POA ◦ Maximum penalties upon court conviction: \$100,000 and one year imprisonment	Penalties for failure to comply For offences under the act, individuals can face: On summary of conviction: • a fine not exceeding five hundred dollars • imprisonment not exceeding six months • both a fine and imprisonment On indictment: • a fine not exceeding five thousand dollars • imprisonment not exceeding five years • both a fine and imprisonment
Authorities not provided • The regulation and act do not create powers of arrest.	Authorities not provided • The regulation and act do not create powers of arrest. • Police officers have the authority to act to prevent breaches of the injunction or the commission of offences. They have the authority to regulate traffic and prevent vehicular access to downtown Ottawa for those purposes. ◦ Police officers can rely upon their common law authorities for this purpose or can rely on Section 10 (1) of the Regulation.

The emergency-related federal and provincial acts, orders and regulations **do not** create powers of arrest. Officers must consider the totality of the circumstances to determine if an authority to arrest exists under other the *Criminal Code* or another act. Others to consider:

- Mischief - *Criminal Code* Section 430(1)
- Obstructing Police – *Criminal Code* Section 139 (1).
- Identification on Failure to Surrender Licence – *Highway Traffic Act* 33(3)
- Breach of a Court Order – *Criminal Code* Section 127
- Intimidation by blocking or obstructing a highway – *Criminal Code* Section 423 (1) (g)

EXERCISE OF LAWFUL AUTHORITIES

All members are to be aware of the powers and authorities available to them in all situations encountered. Members are still encouraged to exercise discretion in all activities / public interactions should the circumstances warrant enforcement.

That discretion should be exercised in the context of the current mission statement:

“Using an integrated response the Ottawa P.S. and policing partners will keep the peace, enforce legislation and maintain public safety for the duration of the Ottawa truck demonstrations, the utmost respect for the individuals Charter of Rights and Freedoms with priority on community and emergency services personnel safety and wellbeing.”

Finally, members should consider the ultimate mitigation strategy of also preventing re-offence/re-occurrence.